UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/452,285	11/30/1999	BRIAN LO BUE	CISCO-1515	1104

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EXAMINER
DINH, KHANH Q

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/452,285	BUE ET AL.
	Examiner	Art Unit	
	Khanh Dinh	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 August 2006</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4, 9-24, 26, 30-32, 52, 63-85 and 87-91* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4, 9-24, 26, 30-32, 52, 63-85 and 87-91* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   Reopening of Prosecution After Appeal Brief or Reply Brief

In view of the Appeal Brief filed on 8/29/2006, PROSECUTION IS

HEREBY REOPENED. The Office Action sets forth below.

To avoid abandonment of the application, appellant must exercise one of

the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a

reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31

followed by an appeal brief under 37 CFR 41.37. The previously paid

notice of appeal fee and appeal brief fee can be applied to the new

appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been

increased since they were previously paid, then appellant must pay the

difference between the increased fees and the amount previously paid.

2.   Claims 1-4, 9-24, 26, 30-32, 52, 63-85 and 87-91 are presented for examination.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4.   Claims 1-4, 9-23, 26, 30-31, 52, 63-85 and 87-91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dixon et al., (hereafter Dixon) US pat. No. *6,058,424* in view of Lamarque et al., (hereafter Lamarque), U.S. pat. No.6,690,651.

As to claim 1, Dixon discloses a backup server (new application server for taking over data as the original application server fails) for enabling a data communications network to recover from a failure of said local server (original application server), the data communications network including a backup server and a network access server (111

fig.1) coupling a request placed from a user (client 101 fig.1) to the data communication

network, the NAS including a memory, said local server comprising:

an information packet receiver responsive to the local server failure, the

information packet receiver receiving from the memory associated with the NAS an

information packet associated with a user request placed by the user via the NAS,

wherein the information packet containing call information for maintaining connection of

the ongoing call if the local server fails (taking over session as the original server fails,

see abstract, figs.1, 5, col.3 lines 11-44 and col.7 line 53 to col.8 line 51 and col.9 line

46 to col.10 line 17);

a parser for reconstructing the call information data from said information data

from the information data packet, whereby the server maintains the user request to the

communications network (reconstructing information regarding all necessary session

resources, see col.10 lines 18-36).

Dixon does not specifically disclose that user placing a request by calling in. However,

Lamarque discloses a user placing a request by calling in [using a user (122 fig.1) to

initiate a call at a terminal to communicate with the servers and networks, see fig.1,

col.3 line 22 to col.4 line 24].   It would have been obvious to one of ordinary skill in the

art at the time the invention was made to utilize Lamarque's teachings into the computer

system of Dixon to request data information through a network because it would have

enabled user to bypass long distance carriers and their permanent usage rates and to

run voice traffic over the Internet.

As to claims 2 and 3, Dixon discloses the call information including server attribute having an attribute/value pair that can be parsed into a plurality of separate data entries and a plurality of aggregated data elements from a call attribute table (see col.10 line 42 to col.11 line 54).

As to claim 4, Dixon discloses plurality of aggregated data elements of said information packet are separated by said parser for reconstructing said plurality of SSA information data from said information packet table (see col.8 lines 10-63 and col.10 line 42 to col.11 line 54).

As to claims 9, Dixon discloses a local server for enabling a data communications network, the data communications network including a backup server (new application server) and a network access server (NAS) coupling a request placed from a user to the data communication network, the NAS having a memory, said local server comprising:

an encoder for generating an information packet associated with the request, information packet containing request information for maintaining connection of the request fails (taking over session as the original server fails, see abstract, figs.1, 5, col.3 lines 11-44 and col.7 line 53 to col.8 line 51 and col.9 line 46 to col.10 line 17);

a sender for transmitting the information packet from the encoder to the memory, the information packet being stored in the memory to be available to the backup server if the local server fails (reconstructing information regarding all necessary session resources, see col.10 lines 18-36).

Dixon does not specifically disclose that user placing a request by calling in. However,

Lamarque discloses a user placing a request by calling in (using a user (122 fig.1) to

initiate a call at a terminal to communicate with the servers and networks, see fig.1,

col.3 line 22 to col.4 line 24). It would have been obvious to one of ordinary skill in the

art at the time the invention was made to utilize Lamarque's teachings into the computer

system of Dixon to request data information through a network because it would have

enabled user to bypass long distance carriers and their permanent usage rates and to

run voice traffic over the Internet.

Claims 10-12 are rejected for the same reasons set forth in claims 2-4 respectively.

As to claims 13 and 17, Dixon discloses a local server for maintaining a request to a

data communications network, the network including a backup server and a network

access server (NAS) coupling the request to the network, the NAS having a memory

associated with the NAS, said local server comprising:

a memory (inherent of a server) associated with the NAS.

an encoder for generating an information packet associated with the request,

information packet containing request information for maintaining connection of the

request and a sender for transmitting the information packet from the encoder to the

memory, the information packet being stored in the memory to be available to the

backup server if the local server fails (taking over session as the original server fails,

see abstract, figs.1, 5, col.3 lines 11-44 and col.7 line 53 to col.8 line 51 and col.9 line

46 to col.10 line 17);

a request coupler associated with the NAS for coupling the call to the local server

if the local server does not fail, and for coupling to the backup server if the local server

fails and a failure detector for determining if a failure of the local server has occurred

(see col.9 line 46 to col.10 line 17);

an information packet requester (client's requests) for requesting the information

packet from the memory to the backup server if the local server fails and a parser for

reconstructing the information packet and serve the request without disconnecting the

user from the network (reconstructing information regarding all necessary session

resources, see col.10 lines 18-36).

Dixon does not specifically disclose that user placing a request by calling in.

However, Lamarque discloses a user placing a request by calling in [using a user (122

fig.1) to initiate a call at a terminal to communicate with the servers and networks, see

fig.1, col.3 line 22 to col.4 line 24]. It would have been obvious to one of ordinary skill

in the art at the time the invention was made to utilize Lamarque's teachings into the

computer system of Dixon to request data information through a network because it

would have enabled user to bypass long distance carriers and their permanent usage

rates and to run voice traffic over the Internet.

Claims 14-16 are rejected for the same reasons set forth in claims 2-4 respectively.

Claims 18 and 19 are rejected for the same reasons set forth in claims 2 and 3

respectively.

Claim 20 is rejected for the same reasons set forth in claim 13. As to the added

limitations, Dixon discloses a backup server connected to the network to service the call

(see col.7 line 53 to col.8 line 63 and col.10 lines 4-41).

Claims 21-23 are rejected for the same reasons set forth in claims 2-4 respectively.

Claim 26 is rejected for the same reasons set forth in claim 2.

As to claim 30, Dixon discloses a server backup system for maintaining a request

placed by a user to a network, the network and a failure detector connected to the

network for determining whether said server access failure has occurred, said memory

and said failure detector both associated with a network access server (NAS) that is

connected to said network, said system comprising:

.an encoder for generating an information packet associated with the request

placed by a user via the NAS, information packet containing request information for

maintaining connection of the request if the local server fails (taking over session as the

original server fails, see abstract, figs.1, 5, col.3 lines 11-44 and col.7 line 53 to col.8

line 51 and col.9 line 46 to col.10 line 17);

a sender for transmitting the information packet from said encoder to the memory

associated with the NAS, the memory storing the information packet (see col.9 line 46

to col.10 line 17).

an information packet requester (client's requests) for requesting the information

packet from the memory to the backup server if the local server fails and a parser for

reconstructing the information packet (reconstructing information regarding all

necessary session resources, see col.10 lines 18-36).

Dixon does not specifically disclose that user placing a request by calling in. However,

Lamarque discloses a user placing a request by calling in (using a user (122 fig.1) to

initiate a call at a terminal to communicate with the servers and networks, see fig.1,

col.3 line 22 to col.4 line 24). It would have been obvious to one of ordinary skill in the

art at the time the invention was made to utilize Lamarque's teachings into the computer

system of Dixon to request data information through a network because it would have

enabled user to bypass long distance carriers and their permanent usage rates and to

run voice traffic over the Internet.

As to claim 31, Dixon discloses a data caller responsive to the failure detector for

detecting the failure of the second server (see col.7 line 53 to col.8 line 51 and col.9 line

46 to col.10 line 17).

As to claim 52, Dixon further discloses said sender transmits the information packet in response to a request from the backup server (see fig.5, col.7 line 53 to col.8 line 51 and col.9 line 46 to col.10 line 41).

Claims 63 and 64 are rejected for the same reasons set forth in claims 13 and 2 respectively.

As to claims 65, Dixon further discloses petitioning to the NAS for the information packet after the NAS requests the request information and sending the request information to the NAS after completing reconstructing (see fig.5, col.7 line 53 to col.8 line 51 and col.9 line 46 to col.10 line 41).

Claim 66 is rejected for the same reasons set forth in claim 9.

As to claims 67 and 75, Dixon further discloses encoding a plurality of aggregated data elements from a call attribute table representing the SSA data and delimiting information packet into an attribute data string and a value data string (see fig.5, col.7 line 53 to col.8 line 51 and col.9 line 46 to col.10 line 67).

Claims 68-74 are rejected for the same reasons set forth in claims 13, 17, 2, 1, 2, 65 and 9 respectively.

Claims 76-79 are rejected for the same reasons set forth in claims 17, 2, 1 and 2

respectively.

Claims 80-84 are rejected for the same reasons set forth in claims 65, 9, 2, 17 and 2

respectively.

As to claims 85, 87-91, Dixon further discloses at least one of: Dialed Number

Information Service, call type, calling Line Identification and service accounting

information (see col.3 line 46 to col.4 line 47 and col.7 line 53 to col.8 line 63).

5.   Claims 24 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Dixon and Lamarque as applied to claims 20-23 and 30-31 above, and further in

view of Cisco System (hereafter Cisco), Network Wide Solution Manages Providers to

Maximize Revenue from Dial VPN, April 5, 1999.

Neither Dixon nor Lamarque discloses using a Resource Pool Manager Server.

However, Cisco discloses a Resource Pool Manager Server (see page 1). It would

have been obvious to one of the ordinary skill in the art at the time the invention was

made to implement a Resource Pool Manager Server in the computer system of Dixon

to enhance the functionality of access servers because it would have provided Internet

Service Providers and Telecommunications carriers with a robust solution for managing

concurrent dial network services across single or multiple network access servers.

Response to Arguments

6.   Applicant's arguments with respect to claims 1-4, 9-24, 26, 30-32, 52, 63-85 and

87-91 have been considered but are moot in view of the new ground(s) of rejection.

Other prior art cited

7.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

      a. Morris, US pat. No.5,634,052.

Conclusion

8.   Claims 1-4, 9-24, 26, 30-32, 52, 63-85 and 87-91 are rejected.

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Khanh Dinh whose telephone number is (571) 272-

3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m.

to 5:00 P.m.

      If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Zarni Maung, can be reached on (571) 272-3939. The fax phone number

for this group is (571) 273-8300.

      A shortened statutory period for reply is set to expire THREE months from the

mailing date of this communication. Failure to response within the period for response

will cause the application to become abandoned (35 U. S. C . Sect. 133). Extensions of

time may be obtained under the provisions of 37 CFR 1.136(A).

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:
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